

[REPUBLIC ACT NO. 9996, February 17, 2010]

AN ACT CREATING THE MINDANAO DEVELOPMENT AUTHORITY (MinDA), DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representative of the Philippines in Congress assembled:

SECTION 1. *Title.* — This Act shall be known as the "Mindanao Development Authority (MinDA) Act of 2010".

SEC. 2. *Declaration of Policy.* — It is hereby declared a policy of the State to accelerate the socioeconomic growth of Mindanao, increasing its trade, tourism and investments, encouraging private enterprise and advancing efforts towards peace and development. Towards this end, an effective institutional mechanism shall established to address the need for a coordinated and integrated approach in the formulation and implementation of various Mindanao-wide inter-regional development plans, programs and projects.

The State shall further undertake efforts to promote the active participation of Mindanao and Palawan in the Brunei-Darussalam-Indonesia-Malaysia-the Philippines-East Asia Growth Area (BIMP-EAGA).

SEC. 3. *Creation of the Mindanao Development Authority.* — The Mindanao Development Authority, hereinafter referred to as the Authority, is hereby created which shall promote, coordinate and facilitate the active and extensive participation of all sectors to effect the socioeconomic development of Mindanao.

SEC. 4. *Coverage.* — The Authority shall cover all the provinces and cities of Region IX, X, XI, XII, Caraga and Autonomous Region in Muslim Mindanao (ARMM): *Provided,* That the Province of Palawan shall be included in its coverage only as it pertains to its involvement in the BIMP-EAGA.

SEC. 5. *Principal Office and Term.* — The Authority shall have its main office in Maramag, Bukidnon. It may establish area management offices (AMOs), if necessary, to achieve the objectives of this Act. The Authority shall also have a term of fifty (50) years from the effectivity of this Act and renewable for the same period unless otherwise provided by law.

SEC. 6. *Powers and Functions of the MinDA.* — In the exercise of those activities which are Mindanao-wide and/or Mindanao-specific in character, the Authority shall have the following powers and functions:

- a. Formulate an integrated development framework for Mindanao that is consistent with the peace and development initiatives of the national government, as far as practicable;
- b. Integrate, prioritize, program and implement, whenever allowed and authorized by applicable laws, Mindanao-wide, inter-regional and region-specific programs, activities and projects with Mindanao-wide impact, including Official Development Assistance (ODA) projects, subject to such limitations prescribed by existing laws, rules and regulation;
- c. Recommend to and, whenever necessary, call upon the proper agencies on the technical support, physical assistance and, generally, the level of priority to be accorded to agricultural, industrial, commercial, and infrastructure, environmental, and technological programs and projects soliciting or requiring direct or indirect help from or through the national government or any of its instrumentalities;
- d. Advocate to the constituents of Mindanao, their elected representatives in Congress and the national government, national policies that will foster the integrated and balanced development of Mindanao;
- e. Promote and facilitate investment in any field that would enhance the socioeconomic development of Mindanao and uplift the living standards of the people and their socio-political activities in close coordination with agencies primarily mandated to undertake such functions;
- f. Explore sources for financing priority Mindanao-wide and/or Mindanao-specific inter-regional program, projects and activities;
- g. Coordinate and facilitate the extension of necessary planning, management and technical assistance to prospective and existing investors, complementary and in support of agencies primarily mandated to execute such functions;
- h. Establish a comprehensive and integrated database on Mindanao and the BIMP-EAGA needed for planning and decision making;
- i. Monitor, evaluate and formulate recommendations in the implementation of Mindanao-wide and/or Mindanao-specific inter-regional development programs, activities and projects;
- j. Provide strategic direction for Mindanao;
- k. Establish appropriate mechanisms to ensure the timely implementation of Mindanao-wide and/or Mindanao-specific inter-regional projects, whenever necessary, as far as practicable, including, but not limited to, public-private partnership;
- l. Review and recommend for approval by the National Economic and Development Authority (NEDA) Board such Mindanao-wide and Mindanao-specific inter-regional programs, projects, and plans by the national government and donor agencies subject to existing laws, rules and regulations;
- m. Act as the official and permanent Philippine Coordinating Office for BIMP-EAGA (PCOBE) and as lead agency of the government in coordinating the formulation and implementation of policies and programs including the monitoring of all activities related thereto including, but not limited to, the following:
 1. Coordinate with relevant stakeholders in all policy deliberations concerning the BIMP-EAGA;
 2. Initiate and coordinate the establishment of the BIMP-EAGA desks in concerned national agencies, local government units and private enterprises;

3. Advocate for the adoption/approval of policies, initiatives and strategies that will enhance the country's participation in the BIMP-EAGA;
 4. Initiate and facilitate sourcing of technical and other forms of assistance to BIMP-EAGA projects/initiatives and ensure efficient and effective support services for the Philippines' BIMP-EAGA operations and coordinate budgetary requirements for this purpose;
 5. Monitor developments in the BIMP-EAGA and follow through agreements entered into by the Philippine parties;
 6. Represent and strengthen the participation of the Philippine-focus areas for the BIMP-EAGA which are Mindanao and Palawan;
 7. Closely coordinate with the private sector in all policy deliberations concerning the BIMP-EAGA;
 8. Acts as a databank for the BIMP-EAGA and other related matters by collecting, consolidating and processing them for dissemination to various groups; and
 9. Formulate and develop new plans and/or programs for the Philippine participation in the BIMP-EAGA based on the consensus of the BIMP-EAGA Clusters and Working Groups and/or Heads of State, Signing Ministers and Senior Officials.
- n. Receive and administer donations, contributions, grants, bequests or gifts, in cash or in kind, from foreign governments, international agencies, private entities and other sources, including ODA, to be used in the development of Mindanao, subject to existing laws, rules and regulations;
- o. To sue and be sued, enter into contracts, acquire, purchase, hold, lease, transfer, dispose of property of any kind or nature to carry out the purposes of this Act; and
- p. Discharge other functions that may be deemed necessary or as may be provided by law.

The Authority, through the MinDA Chairperson, shall submit to the President and both Houses of Congress annual reports on its accomplishments and activities.

SEC. 7. Chairperson. — The MinDA Chairperson shall be appointed by the President of the Philippines with a Cabinet rank and shall act as the Head of office. He/She shall serve a term of six (6) years from the date of his/her appointment unless removed for cause: *Provided*, That no person shall be appointed as Chairperson unless he/she is a holder of a degree in law or a masteral degree in any of the following fields: economics, business, public administration, law, management or their equivalent and have at least ten (10) years relevant experience in said fields: *Provided, further*, That he/she shall be a resident of Mindanao for at least five (5) years before the appointment: *Provided, finally*, That he/she shall also be the Philippine Senior Official for BIMP-EAGA and shall likewise be an *ex officio* member of the NEDA Board and the Tourism Infrastructure and Enterprise Zone Authority (TIEZA) Board.

The Chairperson shall have the following duties and functions:

- a. Call and preside meetings of the Board and see to it that the policies, programs and rules and regulations are implemented properly;
- b. Call on formidable players in the formulation and implementation of a comprehensive and integrated development plan for Mindanao, investment programs and the preparation of investment programming priorities, annual reports and other pertinent documents approved by the Authority;
- c. Identify solutions to key issues and concerns, taking into account related risks, affected parties and impact, in coordination with the Board and key stakeholders;
- d. Advocate the Authority's work among the various concerned sectors and stakeholders;
- e. Call on any agency, group, individual member of the Board, local government unit, and host community to address issues and concerns relating to implementation of major programs, projects and activities;
- f. Supervise the monitoring and timely implementation of Mindanao-wide and/or Mindanao-specific inter-regional programs, projects and activities;
- g. Endorse to the Board all policy recommendations, plans and programs for approval;
- h. Represent the Board in regular and special Cabinet meetings;
- i. Convene the BIMP-EAGA Advisory Board to discuss issues and concerns and recommend policies and programs to ensure the widest participation of Mindanao and Palawan in the BIMP-EAGA;
- j. Accept, on behalf of the Authority, donations, contributions, grants and bequests or gifts, in cash or in kind, from members, foreign governments, international agencies, private entities or any individual for purposes that will realize the functions of the Authority;
- k. Supervise administrative operations including disbursement of any fund of the Authority, subject to the usual accounting and auditing procedures, and submit reports thereon;
- l. Execute and administer the policies and measures approved by the Board;
- m. Appoint all employees of the Authority, and remove, dismiss or otherwise discipline for cause, such employees in accordance with the standard guidelines for recruitment, employment, and discipline in the Civil Service Code;
- n. Represent the Authority in all dealings with other offices, agencies, and instrumentalities of the government and with all persons and entities, public or private;
- o. Sign agreements and/or contracts on behalf of the Authority, including those for expert and consultant services and other reports of accountabilities emanating from the Authority; and
- p. Perform such other functions that the Board may direct to carry out the provisions of this Act.

SEC. 8. *Executive Director.* — An Executive Director shall be appointed by the President of the Philippines upon recommendation by the Chairperson: *Provided,* That no person shall be appointed as Executive Director unless he/she is a holder of a degree in any of the following fields: economics, business, public administration, law, management or their equivalent and have at least five (5) years relevant experience in said field: *Provided, further,* That he/she shall be a resident of Mindanao five (5) years prior to his/her appointment and has the requisite eligibilities for third level career service position pursuant to the career executive